



*Partners*

*Center Line*

*Chesterfield Township*

*Clinton Township*

*Eastpointe*

*Fraser*

*Harrison Township*

*Macomb Township*

*Mount Clemens*

*New Baltimore*

*Roseville*

*Shelby Township*

*Sterling Heights*

*Utica*

*Warren*

*Washington Township*

*Affiliates*

*Advancing Macomb*

*Greater Detroit Area*

*Health Council*

*Henry Ford Macomb*

*Hospital*

*Macomb County*

*Michigan State University*

*Southeastern Michigan*

*Council of Governments*

*University of Michigan*

December 3, 2018

Dear Representatives;

James Lower  
Kathy Crawford  
Jim Runestad  
Gary Howell  
Julie Alexander  
Ben Frederick  
Roger Hauck  
Patrick Green  
Jeremy Moss  
Jim Ellison  
Sara Cambensy

Please let it be known that MACRO strongly opposes the House version of SB1188 Vegetation Removal Preemption Act, which will likely be voted on by your committee this week.

As you are aware, the Senate has passed SB1188. The crux of the proposed legislation is found in Section 5, which removes local control from regulating the removal of vegetation on private property within agricultural, commercial and industrial zoning districts and prohibits mitigation for the removal of vegetation within those districts. Section 5 reads, as follows:

*Sec. 5. (1) A local unit of government shall not adopt, maintain, or, for violations occurring on or after the effective date of this act, enforce an ordinance, charter provision, or regulation that does any of the following, and an ordinance, charter provision, or regulation that does any of the following is void:*

*(a) Prohibits, requires approval for, or otherwise restricts the trimming, felling, or removal of any vegetation, other than a heritage tree, located on private property with an agricultural, business, commercial, or industrial zoning classification.*

*(b) Requires mitigation, including, but not limited to, the planting of trees or other vegetation or the payment of a fee or fine, for the trimming, felling, or removal of any vegetation, other than a heritage*

*tree, from private property with an agricultural, business, commercial, or industrial zoning classification.*

MACRO joins other municipalities in strongly opposing this proposed law for the following reasons:

**1. Public Benefit and Property Values:** Trees and vegetation increase property values, in some cases 10-15 percent and also provide a substantial benefit to the public by absorbing stormwater, providing shade/screening the sun, reducing carbon dioxide, screening certain business operations from view (particularly outdoor storage in heavy industrial and commercial areas), and improve the public safety by reducing traffic speed and serious injury crashes when properly placed along road rights of way. When properly applied, local ordinances allow for good quality development while also working in the public interest to ensure that the benefits of increased tree canopy area is maintained so that a community will remain a desirable place for continuing investment.

It would be completely contrary to the work Communities have done over the last several years and a public policy failure if we cannot protect a community's quality of life, property values, and address public health through simple measures such as maintaining tree canopy. Michigan communities already struggle with maintaining their tax base; having invested millions of dollars to maintain and attract knowledge workers and others that value a high quality of life.

**2. Adverse Impact on Development:** Current stormwater/soil erosion/sedimentation control practices rely to a degree on the preservation of existing vegetation or the planting of new vegetation in place of and in addition to removed trees. The maintenance and increasing of tree canopy reduce overall stormwater runoff, the velocity of the runoff and spikes or flashes in runoff, distributing runoff over time. This is a cost-effective way for developers to use trees and vegetation to manage stormwater as "green infrastructure" rather than installing expensive pipes and storage facilities. Local communities and development must comply with EPA and DEQ water quality and discharge requirements.

If a local community cannot enforce the preservation/protection of tree canopies or require mitigated tree plantings, then additional stormwater systems will be required – costing developers more money in the development process.

**3. Reverses Conditions of Approval for Development Projects:** Communities often times approve a private development project subject to certain conditions to ease the concerns of neighbors on nuisance issues such as impacts from abutting building massing, glare from car headlights, parking lot lighting, noise, etc. Trees and vegetation are used extensively as a means to alleviate these impacts and allow development approvals to proceed. SB1188 would prevent the City from using this mechanism and/or enforcing it after approval.

If a local community cannot require a Development preserve or plant trees to mitigate noise, dust, and light intrusions on adjacent properties, the development proposals being reviewed would need to undergo higher scrutiny and review because traditional mitigation methods would be prohibited and the neighbor concerns could not be addressed in a traditional way. This would likely cause for additional Ordinance development to address the inability to mitigate impacts and would also likely result in a higher incidence of project denials and/or an increase in required setback distances, artificial structures and screening to be constructed at developers' expense. These

impacts to developments would increase development costs, decrease the efficiency of land use, and potentially lead to lawsuits between developers and the City.

**4. No Remedy for Nuisances:** The bill as proposed is extremely broad and could affect general property maintenance provisions that would require the removal of dead or diseased trees or remedies to potentially hazardous conditions for the general public.

SB1188 would prevent communities from remediating various overgrowth conditions when, for example, vegetation is planted near roadway intersection and in clear vision areas and may impede clear views to intersecting traffic or when a business owner allows their property to be overgrown with vegetation that may cause a risk to the public health, safety and welfare.

**5. Energy Costs:** Most local ordinances require that trees be included in parking lot areas as well as throughout a site. One of the purposes of the required tree plantings is to cool the surface of an asphalt parking lot to reduce the heat island effect created by large parking areas. Additionally, a tree canopy over these areas increases the life of the parking lot. Also, trees being planted throughout the site helps mitigate heat gain of nearby structures in the summer by providing shade and heat loss in the winter by providing a wind break.

SB1188 would preclude local control requiring preservation or installation of a tree canopy in these zoning areas, which would increase utility bills due to excessive air conditioning or furnace usage, placing a greater financial burden on business owners and stressing an already overburdened utility system. Removing requirements for trees and vegetation will likely result in higher temperatures in urban areas and exacerbate urban heat islands even in suburban communities.

**6. Local Control:** Communities have been working to increase tree canopies over the last three (3) years since the County and SEMCOG announced that southern Macomb County's tree canopy was lacking to a large degree due to the Emerald Ash Borer disease.

SB1188 would remove the ability of local leaders and citizens to determine the priorities of their own community. Most importantly, this bill is another attempt to preempt local control and to undermine local government's ability to address local matters of concern.

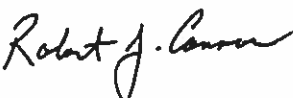
With the above in mind, we strongly urge you to vote no on SB1188.

Thank you for your consideration.

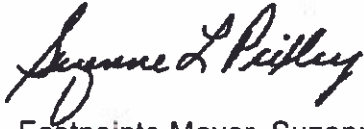
Sincerely,



County Executive, Mark Hackel



Clinton Township Supervisor, Robert Cannon



Eastpointe Mayor, Suzanne Pixley



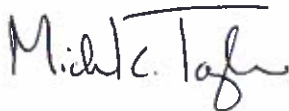
Harrison Township Supervisor, Kenneth J. Verkest



Mount Clemens Mayor, Barb Dempsey



Shelby Township Supervisor, Rick Stathakis



Sterling Heights Mayor, Michael C. Taylor



Warren Mayor, James Fouts

Center Line Mayor, Robert Binson

Chesterfield Township Supervisor, Daniel J. Acciavatti

Fraser Mayor, Michael Carnagie

Macomb Township Supervisor Janet L. Dunn

New Baltimore Mayor, John Dupray

Roseville Mayor, Robert Taylor

Utica Mayor, Thomas Dionne

Cc: Governor Rick Synder  
News Media



**SALES AND TECHNOLOGY CENTER**  
6633 18 Mile Road  
Sterling Heights, MI 48314 USA

November 29, 2018

Mr. Mark D. Vanderpool  
City Manager  
City of Sterling Heights  
40555 Utica Road  
Sterling Heights, Michigan 48313

Dear Mark:

As you know, AGS has invested millions of dollars in Sterling Heights. Our principal business is supplying front and rear end impact assemblies to OEMs in the US and Mexico. We currently have four facilities in Sterling Heights and recently completed a major expansion to our facility located on Sterling Drive South. The City's site plan review process required us to comply with the City's landscape and tree ordinances, which mandated among other things, the addition of a significant number of new trees. We had no hesitation in agreeing to comply with this requirement and through negotiation with the City about size and type of trees, we ultimately committed to increase the number of trees. We considered the requirement to be a minimal cost in comparison to the overall costs of the project.

Even though our property is located in a manufacturing area, we understand the importance of trees from an environmental perspective, as they help provide natural drainage of our property, will reduce energy and operating costs once fully mature and increase the aesthetic appearance of our facility for our team members, our customers and the surrounding community. As we work hard to attract and retain key skills and talent in our operations, we strongly feel the appearance of our facilities is very important – and trees properly landscaped can have a big impact.

As an owner of the company, it is my job to make wise investments when it comes to facility expansions and renovations. I considered the investment in trees and other landscaping a wise investment and, in fact, I shared this best practice with the provincial government in Ontario, where our Company's head office is located, hoping they will work with local governments to encourage this type of long-term foresight similar to that of the City of Sterling Heights. New building developments, renovations and expansions should include preservation of natural areas to the greatest extent feasible and practical as well as natural improvements, for all of the aforementioned reasons. It is my view that the business community should be seriously concerned about any legislation that would cause a divestment in vegetation, including trees and landscaping.

Please share our perspective with all interested parties and know that I would be happy to talk further in support of this best practice.

Sincerely,

A handwritten signature in cursive script that reads "Joe Loparco".

Joseph Loparco  
Co-President

